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FISCAL IMPACT REPORT

SPONSOR Smith DATE TYPED 2/28/05 HB _____
 SHORT TITLE Legislative Authorization for Class III Gaming SB 895
 ANALYST Medina

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
	NFI				

(Parenthesis () Indicate Expenditure Decreases)

Relates to the Compact Negotiation Act

SOURCES OF INFORMATION

LFC Files

Responses Received From
 Gaming Control Board (GCB)

SUMMARY

Synopsis of Bill

Senate Bill 895 amends the Compact Negotiation Act with a new section prohibiting the governor from concurring in a determination by the federal government that class III gaming may be conducted on lands in the state acquired by the federal government in trust for the benefit of an Indian tribe after October 17, 1988 until the legislature first authorizes the governor to concur by a joint resolution.

Significant Issues

According to the Gaming Control Board, this bill contains a potential conflict with the Indian Gaming Regulatory Act (25 U.S.C § 2719 (b) (1) (A), which sets out the specific approval process for gaming on lands acquired by Indian tribes after October 17, 1988. GCB further states that the Legislature has already approved Class III state-tribal gaming compact language and, therefore, this bill potentially infringes upon the powers and duties of the executive branch to implement existing law.

This bill carries an emergency clause.

DXM/lg